

REMARKS/ARGUMENTS

Claim 1-79 are canceled and claims 80-88 are added. Therefore, after entry of this amendment, claims 80-88 are pending.

Support for new claims 80-88 can be found throughout the specification, figures and claims as originally filed. Support for the phrase "ligand-activated uni-molecular detector" may be found, for example, on page 7, lines 19-25 (stating, in part, "[l]igand-activated or interaction-activated CPs are advantageously used over interaction-dependent fragment complementation systems for certain assays, in that they exhibit lower order kinetics of activation, i.e., uni-molecular instead of bi-molecular for two-component interactions and bi-molecular instead of tri-molecular for three-component interactions"); and page 11, lines 15-30. Therefore, no new matter is introduced with this amendment.

In Applicants' reply to the Examiner's Election of Species requirement faxed December 16, 2002, Applicants elected the following species from each of the subgroups identified by the Examiner:

Subgroup 14: the fusion protein is comprised of a bacterial signal peptide *e.g.* PelB, a first oligopeptide thioredoxin *e.g.* BW10-1, a second oligopeptide thioredoxin *e.g.* p44-4-2, a β -lactamase marker, a linker (Gly₄Ser)₃, and a breakpoint E197,L198. Claims 27, 34-38, and 40-46 read on this election;

Subgroup 15: the detectable signal is ampicillin resistance;

Subgroup 16: the third oligopeptide species is CD40ED (extra-cellular domain);

Subgroup 17: no species of tripeptide is elected;

Subgroup 18: the species of β -lactamase is TEM-1;

Subgroup 19: no mutant β -lactamase is elected;

Subgroup 20: the species of junction is E197, L198;

Subgroup 21: the species of translocation is to the bacterial cell periplasm;

Subgroup 22: the species of cell is *E. coli*;

Subgroup 23: the species of fusion protein type is a secreted protein;

Applicants note that new claims 80-88 do not explicitly recite, for example, a detectable signal as in Subgroup 15, a third oligopeptide species is CD40ED Subgroup 16, a species of translocation is to the bacterial cell periplasm in Subgroup 21, a species of cell of *E. coli* in Subgroup 22, and a secreted protein as in Subgroup 23.

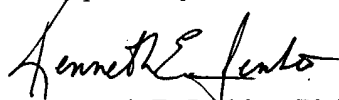
In a telephonic interview with the Examiner on July 14, 2003, the Examiner agreed to examine claims 80-88 even though claims 80-88 do not explicitly recite the features contained in all the elected Subgroups.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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